

5797117-452



SON-1212/RE

REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application for)	
)	
U.S. Patent No. 6,041,031 issued March 21, 2000)	
)	
Inventors: ISAO ICHIMURA ET AL.)	
)	
Reissue No. (Unassigned))	Attn: Applications Branch
)	
Title: OPTICAL DISC RECORDING/)	
REPRODUCTION APPARATUS AND)	
METHOD)	

**CONSENT OF ASSIGNEE AND
OFFER TO SURRENDER PATENT**

Assistant Commissioner for Patents
Box NEW REISSUE APPLICATION
Washington, D.C. 20231

Sir:

This is part of the application for a reissue patent based on the original patent issued to Isao Ichimura et al. on March 21, 2000, as U.S. Patent No. 6,041,031, for an invention titled "OPTICAL DISC RECORDING/REPRODUCTION APPARATUS AND METHOD."

Sony Corporation of Tokyo, Japan, is the assignee of the entire interest in the original patent. A certificate under 37 CFR 3.73(b) is attached.

The undersigned is authorized to act on behalf of the assignee, and hereby offers to surrender the original patent.

The undersigned, on behalf of the assignee, also consents to the filing of the present application for the reissue of U.S. Patent No. 6,041,031.

Docket No. SON-1212/RE
Serial No. (Unassigned)

REISSUE APPLICATION

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further than these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

SONY CORPORATION

Date: Nov. 27, 2000

By:

Yujiro Yamanaka

Name: Yujiro Yamanaka, Manager

Title: Legal & Intellectual Property Dept.

SON-1212/RE

REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application for)	
)	
U.S. Patent No. 6,041,031 issued March 21, 2000)	
)	
Inventors: ISAO ICHIMURA ET AL.)	
)	Attn: Applications Branch
Reissue No. (Unassigned))	
)	
Title: OPTICAL DISC RECORDING/)	
REPRODUCTION APPARATUS AND)	
METHOD)	

STATEMENT UNDER 37 CFR 3.73(b)

Assistant Commissioner for Patents
 Box NEW REISSUE APPLICATION
 Washington, D.C. 20231

Sir:

Sony Corporation, a corporation of Tokyo, Japan, states that it is the assignee of the entire right, title, and interest in U.S. Patent No. 6,041,031, which issued on March 21, 2000, for an invention titled "OPTICAL DISC RECORDING/REPRODUCTION APPARATUS AND METHOD.

Sony Corporation is the assignee of said patent by virtue of an assignment from the inventors of the patent, which was recorded in the U.S. Patent & Trademark Office at Reel 9195, Frame 0930. A copy of the assignment is attached.

The undersigned, whose title is supplied below, is empowered to sign this statement on behalf of the assignee.

SONY CORPORATION

Date: Nov. 27, 2000

By:

Yujiro Yamanaka

Name: Yujiro Yamanaka, Manager

Title: Legal & Intellectual Property Dept.

SON-1212/RE

REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application for)	
)	
U.S. Patent No. 6,041,031 issued March 21, 2000)	
)	
Inventors: ISAO ICHIMURA ET AL.)	
)	Attn: Applications Branch
Reissue No. (Unassigned))	
)	
Title: OPTICAL DISC RECORDING/)	
REPRODUCTION APPARATUS AND)	
METHOD)	

**STATEMENT OF STATUS/SUPPORT FOR ALL
CHANGES TO THE CLAIMS UNDER 37 CFR 1.121**

Assistant Commissioner for Patents
Box NEW REISSUE APPLICATION
Washington, D.C. 20231

Sir:

The following statement of the status and support for all changes to the claims in this reissue application is provided to comply with 37 CFR 1.121 and to facilitate the Examiner's consideration of this reissue application.

Claims 1 to 11 were issued in the original patent, and remain pending in this reissue application. Claims 1, 7 and 8 have been amended in the manner and for the reasons stated in paragraphs 7 and 8 of the accompanying Reissue Application Declaration.

Claims 1 and 7 have each been amended to change the phrase "a distance between the objective lens and the forward lens of 25 μ m or less" in their last paragraph into --an assembly accuracy of a distance between the objective lens and the forward lens of \pm 25 μ m [or less]--. Similarly, claim 8 has been amended to change the phrase "a distance between the first lens and the second lens of 25 μ m or less" in the last paragraph into --an assembly accuracy of a distance between the first lens and the second lens of \pm 25 μ m [or less]--.

Docket No. SON-1212/RE
Serial No. (Unassigned)

REISSUE APPLICATION

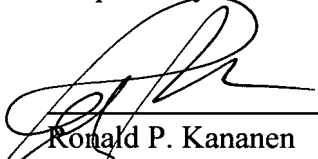
Support for the amendments to claims 1, 7 and 8 is provided, for example, in the original specification of the '031 patent at column 5, lines 41 to 45. The specification states, in part: "the allowance of the assembly accuracy is as follows: ... distance between the lenses ± 25 μm ." The specification does not state that the distance between the lenses is 25 μm or less, as erroneously recited in the patent claims. Rather, the specification discloses that the assembly accuracy or tolerance of the distance between the lenses is ± 25 μm . Thus, the amendments to claims 1, 7 and 8 are made to bring the claims into conformance with the disclosed invention and are fully supported by the original patent disclosure.

An amendment has also been made in this reissue application to correct a typographical error in column 1, line 28, of the specification, to change "font" into --front--. Support for this amendment is found, for example, in column 1, line 45, which recites "wave front aberration."

In light of these amendments and the accompanying remarks, prompt and favorable examination of this reissue application is respectfully requested.

Respectfully submitted,

Date: December 1, 2000



Ronald P. Kananen
Reg No. 24,104

RADER, FISHMAN & GRAUER P.L.L.C.
1233 20th Street, N.W.
Suite 501
Washington, D.C. 20036
Tel No. (202) 955-3750
Fax No. (202) 955-3751



SON-1212/RE

REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application for)
U.S. Patent No. 6,041,031 issued March 21, 2000)
Inventors: ISAO ICHIMURA ET AL.)
Reissue No. (Unassigned))
Title: OPTICAL DISC RECORDING/)
REPRODUCTION APPARATUS AND)
METHOD)

Attn: Applications Branch

REISSUE APPLICATION DECLARATION BY THE INVENTORS

Assistant Commissioner for Patents
Box NEW REISSUE APPLICATION
Washington, D.C. 20231

Sir:

As a below named inventor, I hereby declare that:

1. My residence, post office address and citizenship are stated below next to my name.
2. I believe I am an original, first and joint inventor of the subject matter which is described and claimed in U.S. Patent No. 6,041,031, granted March 21, 2000, and for which a reissue patent is sought on the invention entitled "OPTICAL DISC RECORDING/ REPRODUCTION APPARATUS AND METHOD," the amended specification and claims of which are attached hereto.
3. I have reviewed and understand the contents of the above identified specification, including the claims, as amended for this reissue application.

4. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

5. I hereby claim foreign priority benefits under 35 U.S.C. 119 of Japanese Patent Application No. P08-340904 filed on December 20, 1996. I further state that no foreign applications for patent or inventor's certificate were filed having a filing date before that of the above-identified application on which priority is claimed.

6. I verily believe the original patent to be wholly or partly inoperative or invalid, by reason of the patentee claiming more or less than he had the right to claim in the patent.

7. At least one error upon which reissue is based is described as follows: The independent claims 1 and 7 in the original patent each includes in its last paragraph the limitation "a distance between the objective lens and the forward lens of 25 μ m or less." This limitation is inconsistent with the description of the invention provided in column 5, lines 41 to 45, of the original specification of the '031 patent, and therefore, may render the scope of these claims indefinite and at least partly inoperative or invalid under 35 U.S.C. 112. This limitation, if construed without the benefit of the corresponding language of the patent specification (column 5, lines 41 to 45), may also cause the scope of the original claims to be too narrow to read on an apparatus that has a distance between the objective lens and the forward lens of more than 25 μ m, thereby rendering the original patent at least partly inoperative for this additional reason. The limitation in claims 1 and 7 should have properly read --an assembly accuracy of a distance between the objective lens and the forward lens of \pm 25 μ m [or less]-- to make the claims

Docket No. SON-1212/RE
Serial No. (Unassigned)

REISSUE APPLICATION

correspond with the original patent disclosure, as set forth in column 5, lines 41 to 45, of the '031 patent.

8. Another error upon which reissue is based is found in independent claim 8. This error is the same as that described in the preceding paragraph in connection with independent claims 1 and 7, except that claim 8 uses the terms "first lens" and "second lens" instead of "objective lens" and "forward lens," respectively.

9. This reissue application also includes an amendment to correct a typographical error in column 1, line 28, of the specification, to change "font" into --front--. Support for this amendment is found, for example, in column 1, line 45, which recites "wave front aberration."

9. All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

10. As a named inventor, I hereby appoint the following attorneys and agents to prosecute this application and transact all business in the U.S. Patent & Trademark Office connected therewith:

Ronald P. Kananen, Reg. No. 24,104; John E. McGarry, Reg. No. 22,360; Joel E. Bair, Reg. No. 33,356; H. Lawrence Smith, Reg. No. 24,900; Richard D. Grauer, Reg. No. 22,388; Ralph T. Rader, Reg. No. 28,772; Michael D. Fishman, Reg. No. 31,951; Joseph V. Coppola, Sr., Reg. No. 33,373; Mark A. Davis, Reg. No. 37,118; Michael B. Stewart, Reg. No. 36,018; Stefan V. Chemielewski, Reg. No. 39,914; Alexander D. Rabinovich, Reg. No. 37,425; Kristin L. Murphy, Reg. No. 41,212; Kevin D. Rutherford, Reg. No. 40,412; David K. Benson, Reg. No. 42,314; Glenn E. Forbis, Reg. No. 40,610; Christopher M. Tanner, Reg. No. 41,518; Robert S. Green, Reg. No. 41,800; Matthew J. Russo, Reg. No. 41,282; G. Thomas Williams, Reg. No. 42,228; Shmuel Livnat, Reg. No. 33,949; Jeffrey L. Thompson, Reg. No. 37,025.


Docket No. SON-1212/RE
Serial No. (Unassigned)

REISSUE APPLICATION


11. All communications about this application should be directed to:

Ronald P. Kananen, Esq.
RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W., Suite 501
Washington, D.C. 20036
Telephone: (202) 955-3750
Facsimile: (202) 955-3751

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further than these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signature: 
Name: Isao Ichimura
Residence: Kanagawa, Japan
Post Office Address: c/o Sony Corporation
7-35, Kitashinagawa 6-Chome
Shinagawa-Ku, Tokyo, Japan
Citizenship: Japanese

Date: October 30, 2000

Signature: 
Name: Fumisada Maeda
Residence: Tokyo, Japan
Post Office Address: c/o Sony Corporation
7-35, Kitashinagawa 6-Chome
Shinagawa-Ku, Tokyo, Japan
Citizenship: Japanese

Date: October 30, 2000

Docket No. SON-1212/RE
Serial No. (Unassigned)

REISSUE APPLICATION

Signature: Kenji Yamamoto
Name: Kenji Yamamoto
Residence: Tokyo, Japan
Post Office Address: c/o Sony Corporation
7-35, Kitashinagawa 6-Chome
Shinagawa-Ku, Tokyo, Japan
Citizenship: Japanese

Date: October 30, 2000

Signature: Kiyoshi Ohsato
Name: Kiyoshi Ohsato
Residence: Chiba, Japan
Post Office Address: c/o Sony Corporation
7-35, Kitashinagawa 6-Chome
Shinagawa-Ku, Tokyo, Japan
Citizenship: Japanese

Date: October 30, 2000

Signature: Toshio Watanabe
Name: Toshio Watanabe
Residence: Kanagawa, Japan
Post Office Address: c/o Sony Corporation
7-35, Kitashinagawa 6-Chome
Shinagawa-Ku, Tokyo, Japan
Citizenship: Japanese

Date: October 30, 2000

Signature: Akira Suzuki
Name: Akira Suzuki
Residence: Kanagawa, Japan
Post Office Address: c/o Sony Corporation
7-35, Kitashinagawa 6-Chome
Shinagawa-Ku, Tokyo, Japan
Citizenship: Japanese

Date: October 30, 2000